

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AIMEE SILVER,  
Plaintiff,

v.

GREYSTAR CALIFORNIA, INC., et al.,  
Defendants.

Case No. [21-cv-00698-SI](#)

**ORDER GRANTING MOTION TO  
AMEND COMPLAINT**

Re: Dkt. No. 63

Before the Court is plaintiff's motion for leave to amend her complaint to remove her claim under the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* Dkt. No. 63. Defendants oppose. Dkt. No. 68.

Except as otherwise provided in Rule 15 of the Federal Rules of Civil Procedure, amendment is permitted "only with the opposing party's consent or with the court's leave." Fed. R. Civ. P. 15(a)(2). Courts "should freely give leave when justice so requires." *Id.* This "policy of favoring amendments to pleadings should be applied with extreme liberality." *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987).

The Court finds that amendment is appropriate. Plaintiff proposes no new facts or claims; her proposed amendment would only remove a claim. *See* Dkt. No. 63. The Court finds that the removal of a claim does not in itself prejudice Defendant and that it would not be in the interest of justice to force plaintiff to prosecute a claim she does not wish to pursue. Nor will removing the claim, in itself, delay proceedings.


Plaintiff's amendment will leave only state law claims. Plaintiff is requested to submit a memorandum addressing whether the Court should retain jurisdiction of her federal claims by Friday, August 18, 2023. Defendants are requested to submit a memorandum addressing the same

1 issue by Friday, August 25.

2 The motion for leave to amend is hereby **GRANTED**.

3 **IT IS SO ORDERED.**

4 Dated: August 11, 2023

5   
6 SUSAN ILLSTON  
United States District Judge

United States District Court  
Northern District of California